

E-filing

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Filed

JAN 07 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

[Handwritten signature]

IMHOTEP SALAT

Plaintiff,

vs.

EBAY INC, PAYPAL INC.

Defendants,

CV 15 . 00066 PSG
COMPLAINT

IDENTITY THEFT PURSUANT 18 U.S.
CODE & 1028 FRAUD RELATED
ACTIVITY

ORIGINAL COMPLAINT

COME NOW, Plaintiff Imhotep Salat a disabled citizen of the United States of America in the above entitled cause pursuant to 18 U.S. code & 1028 fraud related activity.

I. JURISDICTION

1. This court has jurisdiction over Plaintiff's state law claims, and protecting identity theft 5th amendment violation under Federal Civil code 18 U.S. code & 1028 fraud related activity is an unlimited Constitutional violation case (exceeds \$25,000).

II. VENUE

3. Plaintiff, Imhotep Salat (hereinafter "Plaintiff") is a disabled competent adult, former resident of the State of California, makes the following allegations and causes against defendants, John last name unknown Ebay Inc, and Erica last name unknown PayPal Inc., (hereinafter "Defendants".)

5. Ebay Inc., and PayPal are both Public Companies that provide public services of online products and goods being sold to consumers for prospective sellers that are being advertise Ebay Inc. website, and funds are being transferred to the sellers by PayPal online system.

7. PayPal, Inc is located at 2211 N. First St. San Jose CA, 95131

8. This is an action federal civil violations and state law personal injuries suffered by Plaintiff as a result without Ebay Inc., or PayPal inc. having a legal policy to secure and protect their consumers identity. Plaintiff brings this action for compensatory damages under the 5th amendment Identity theft due process constitution 18 U.S. Code 1028-fraud and related activity related to documentation.

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2 9. Plaintiff states facts of 5th amendment constitutional violations, Identity Theft, and
3 misconduct by Defendants that led to events that give rise to the violations of civil and
4 constitutional rights of Plaintiff as a citizen of the United States. California security breach
5 notification law called SB 1386 calls for notification of California residents following some
6 kinds of security breaches. On January 1, 2005, California legislation called 1950 went into
7 effect. It requires businesses to protect certain "personal information." A steady wave of
8 security breaches involving the theft or loss of personal information.
9

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11 10. AB 1950 addresses companies owning or licensing certain personal information
12 about California residents. These companies must implement reasonable security
13 procedures and practices to prevent the unauthorized access, destruction use, modification,
14 or disclosure of that personal information.
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16 V. FACTS

17 11. On January 2, 2015 at 2:30pm standard pacific Erica 402-935-7733 from PayPal
18 and John From Ebay high Claims department and Myself disabled Plaintiff Imhotep Salat
19 were on and hour recorded conversation regarding my Identity theft claim Item
20 number#261698728723 see Exhibit A. During the hour recorded conference call between all
21 parties that were disclosed by Ebay and Paypal that our conversation was being recorded. I
22 the Plaintiff consented to the recorded conversation. John from Ebay was made aware that
23 someone other than myself Plaintiff Imhotep Salat had used my paypal account to receive a
24 payment in the of \$4252.00 for a sale on Ebay. John from Ebay during our recorded
25 conversation was able to see that I was not the user of this account. He stated that there
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1 has been a lot of fraud activities going on where Ebay users have been using other people
2 Paypal accounts to receive money. John admitted that Paypal has not implemented a
3 security policy to secure Identification of their users even after being aware the numerous
4 amount of fraud activities. See Exhibit A. As a result of this fraud verification by PayPal and
5 Ebay realizing that I was not the person who set up the Ebay account and initiated the sell
6 to the buyer without further investigation I was told I was responsible for the \$4252.00 which
7 I paid confirmation #8T94252S58116273P.
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9 12. Ebay never contacted me by email are Paypal that there was a \$4252.00
10 received funds in my account Paypal account on 12/16/2014 while working with a company
11 call HUUTO.net my agree with this company that once I verified funds and merchandise
12 was received by the seller to do a wire transfer to their bank and I would be paid 5 percent
13 commission. Please see Exhibit B which clearly shows the email agreement that Plaintiff I
14 had with HUUTO.Net. I never provided any information to my personal information to Ebay.
15 The Scammer set up the account with Ebay adding my Paypal account information without
16 my consent. My PayPal account it indicated a UPS tracking number along with a person
17 who signed for the package. Once I send this I did the money transfer. See Exhibit C the
18 money transfer documentation from my account to the HUUTO.net, which now they are not
19 responding to my phone calls are emails so it is very clear I have been a victim of a scam.
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23 13. I will be requesting and Subpoena regarding the recording conversation between I
24 the Plaintiff and Ebay, Inc and PayPal. A federal judge in California has ruled that Ebay
25 must face a class action suit alleging its policies are unfair to sellers and make it easy for
26 dishonest buyers to defraud them. See Exhibit B
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1 14. Courthouse News Service reports that ebay seller and lead Plaintiff Maggie
2 Campbell originally filed suit in 2012, complaining that Ebay and PayPal(the payment-
3 processing company owned by ebay requires for all Ebay transactions) always sides with
4 the buyers over the sellers in any dispute. Jennifer Abel 1-866-773-0221 has worked as a
5 reporter and editor with consumer affairs regarding the Ebay Scandal.
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8 **VI. CLAIM**

9 15. Violation of 5th amendment violations 18 U.S. code & 1028 deliberate indifference
10 to people's right to protection of Identity Fraud. Conveyed to the Plaintiff under the
11 constitutional section mentioned above. See Exhibits A, B, C, D,E
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16 **VII. DAMAGES**

17 WHEREFORE, the Plaintiff request:

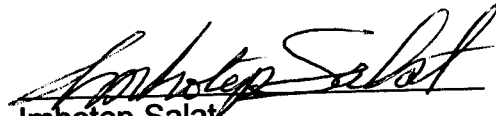
18 In addition to the damages mentioned in the above proceeding paragraphs as a direct and
19 proximate result of the intentional and unlawful conduct of Defendants, Plaintiff have
20 suffered, unreasonable amount of compensatory damages as result of the Identity fraud
21 violation.
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24 **VI. Relief**

25 Plaintiff seeks a monetary relief from defendants in the amount of \$100,000.
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3 Respectfully,
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5 Date: January 3, 2015
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